

REMARKS

In the Office Action, Claims 1, 3, 5 and 8 stand rejected under 35 USC §102. Claims 2, 4, 6-7 and 9-10 have been withdrawn from consideration. New claims 11-12 are presented for consideration, and are directed to the elected species. By the foregoing amendment, the claims have been amended and are considered to be in condition for allowance. Withdrawal of the rejections and reconsideration of the claims is respectfully requested.

The drawings are objected to for various informalities. As directed, replacement sheets containing the drawings are enclosed herewith. With specific reference to the Examiner's rejections noted at the beginning of the final paragraph of page 6 of the Office Action, the reference characters 1a, 1b, 1c, etc. are addressed in the specification at page 10, lines 5-8, to wit, "parts or sections having the same function are provided with the same reference numbers in the other supporting devices, but with addition of a differentiating letter." Accordingly, each of the reference characters 1a, 1b, 1c, etc. refer to corresponding elements in different embodiments of the invention. The reference numeral 7 has been added to the specification to identify the legs shown in Figure 5. Reference characters 5i in Figure 13 and 3k in Figure 14 correspond to like numbered elements found in other figures. Reference numeral 24 is in fact found in the specification at page 14, line 21. Reference characters 4m and 5m in Figure 22 and reference character 3n in Figure 23 correspond to like elements in other embodiments of the invention. Reference numerals 33 and 35, found in Figures 24 and 25, have been added to the specification to identify the elements indicated.

The specification has been objected to for various informalities. By the foregoing amendment, applicant believes that the objections made by the Examiner have been remedied. Withdrawal of the objection is respectfully requested.

Claims 1, 3, 5 and 8 stand rejected under 35 USC §102(b) as being anticipated by Sewell U.S. Patent No. 5 946 749. This rejection is respectfully traversed.

It is well established that in order for a claim to be anticipated by a reference, each and every element of the claim must be found in the reference. Sewell '749 discloses a comfort lounge chair comprising a seat member for supporting a lower torso and legs of a person in a prone position. A back portion is pivotally connected to the seat member for supporting an upper torso, arms and head of a person in a prone position. The back portion has an opening therethrough, so that the opening can comfortably receive a face of a person lying on their stomach in a prone position, without obstruction of eyes, nose and mouth, and a book holder for positioning below the opening. The back portion has a cut out area at each side edge for each arm of the person, so as to allow for easy access to books and other items on the shelf of the book holder.

Sewell '749 does not disclose a supporting device for a person's back and head area wherein a partial area of the back support has, at the level of the shoulder blade areas of the back area, a support surface in a spinal column area and, on both sides of the support surface, open areas which are configured in such a way that the support surface in the spinal column area is sufficiently narrow to support only the spinal column and the shoulder blade areas can move downward past the support surface without interference, as required by amended claim 1. Further, Sewell '749 does not disclose the open areas each having an upper edge adjacent the head support section and a lower edge adjacent the back support section, the lower edge being substantially perpendicular to a longitudinal center line of the back support section, as required by new claim 11. Further, Sewell '749 does not disclose that the back support section and the head support section are integrated in a rigid support unit, as required by claim 5. Therefore, Sewell '749 does not disclose all of the

limitations of claims 1, 5 and 11. Claims 1, 5 and 11 are therefore not anticipated by Sewell '749. Claims 3 and 8, which depend from claim 1, and claim 12, which depends from claim 11, are also therefore not anticipated by Sewell '749. Withdrawal of the rejection of claims 1, 3, 5 and 8 and reconsideration of the claims are respectfully requested.

Claims 1, 3, 5 and 8 stand rejected under 35 USC §102(b) as being anticipated by Pepin U.S. Patent 4 913 424. This rejection is respectfully traversed.

Pepin '424 discloses a table for holding a body which lies thereon. The table is pivoted on a transverse horizontal axis supported by a vertical upright attached to a part of a stationary base frame. The table includes a body and head support section tapering from a large head end toward a smaller foot end, the smaller foot end including a pair of molded foot pockets and a slip tube opening for receiving a T-bar. The user lying on the table places his or her feet in the foot pockets behind the T-bar while lying on the body support section. A pair of side cuts are placed in the table adjacent the foot end of the table. With the user's feet placed in the foot pockets adjacent the T-bar, the foot end of the table can be raised, tilting the table so that the user's head and body are in an inverted or subordinate position to the user's feet.

Pepin '424 does not disclose a supporting device for a person's back and head area, with a back support section and with a head support section, wherein a partial area of the back support section has, at the level of shoulder blade areas of the back area, a support surface in a spinal column area and, on both sides of the support surface, open areas. Pepin '424 further does not disclose that said open areas are configured in such a way that the support surface in the spinal column area is sufficiently narrow to support only the spinal column and the shoulder blade areas can move downward past the support surface without interference, as required by amended claim 1. Further, Pepin '424 does not disclose the

open areas each have an upper edge adjacent the head support section and a lower edge adjacent the back support section, the lower edge being substantially perpendicular to a longitudinal center line of the back support section, as required by Claim 11. Therefore, Pepin '424 does not disclose each and every element of claims 1 and 11. Claims 3, 5 and 8 depend from claim 1, and claim 12 depends from claim 11, further defining the invention, and should be considered allowable therewith. Accordingly, withdrawal of the rejection of claims 1, 3, 5, and 8 and reconsideration of the claims are respectfully requested.

In light of the foregoing amendments and remarks, Applicant asserts that the claims remaining in the application are in condition for allowance and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the applicant's representatives listed below.

Respectfully submitted,



David G. Boutell

DGB/DJW/jas

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

Dale H. Thiel	Reg. No. 24	323
David G. Boutell	Reg. No. 25	072
Terryence F. Chapman	Reg. No. 32	549
Mark L. Maki	Reg. No. 36	589
Liane L. Churney	Reg. No. 40	694
Brian R. Tumm	Reg. No. 36	328
Steven R. Thiel	Reg. No. 53	685
Donald J. Wallace	Reg. No. 43	977
Sidney B. Williams, Jr.	Reg. No. 24	949

Encl: Replacement Drawing Sheets 1/9-3/9 and 5/9-9/9
Postal Card
136.07/05